

Claim Status and Amendments

Please replace all prior versions of the claims with the following version of each claim:

1. (currently amended) A method for producing a fertile transgenic plant, comprising the steps of:
 - (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, maize embryogenic callus, soybean hypocotyl sections or soybean callus suspension cell cultures with *Agrobacterium* containing a genetic component, said genetic component comprising a structural DNA sequence encoding a selectable marker gene that functions in the identification of a transformed plant cell or tissue, to produce an *Agrobacterium*-inoculated explant;
 - (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing a media, said media not containing a gelling agent, and adding water in an amount between 100-300 microliters thereto wherein the weight of the *Agrobacterium* inoculated explant is reduced by up from about 20% to about 30% 3035% during the co-culture period;
 - (c) identifying and selecting a transformed plant cell or tissue comprising said genetic component; and
 - (d) regenerating a fertile transgenic plant therefrom.
2. (previously presented) The method of claim 1 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).
3. (canceled)
4. (canceled)
5. (canceled)
6. (canceled)
7. (previously presented) The method of claim 3 wherein the co-culture period is from one hour to about 6 days.
8. (previously presented) The method of claim 3 wherein the co-culture period is from about one day to about 4 days.
9. (previously presented) The method of claim 3 wherein the co-culture period is from about one day to about 3 days.
- 10 - 17. (canceled)
18. (currently amended) A method for producing a fertile transgenic plant, comprising the steps of:

- (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, maize embryogenic callus, soybean hypocotyl sections or soybean callus suspension cell cultures with *Agrobacterium* containing a genetic component, said genetic component comprising a structural DNA sequence encoding a screenable marker gene that functions in the identification of a transformed plant cell or tissue, to produce an *Agrobacterium*-inoculated explant;
- (b) co-culturing said *Agrobacterium* inoculated explant in a vessel ~~not~~ containing a media, said media not containing a gelling agent, and adding water in an amount between 100-300 microliters thereto wherein the weight of the *Agrobacterium* inoculated explant is reduced ~~by up from about 20% to about 30%~~ 3035% during the co-culture period;
- (c) identifying and selecting a transformed plant cell or tissue comprising said genetic component; and
- (d) regenerating a ~~fertile~~-transgenic plant therefrom.

19. (previously presented) The method of claim 18 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).

20. (currently amended) A method for producing a fertile transgenic plant, comprising the steps of:

- (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, maize embryogenic callus, soybean hypocotyl sections or soybean callus suspension cell cultures with *Agrobacterium* containing a genetic component, said genetic component comprising a structural DNA sequence encoding a scoreable marker gene that functions in the identification of a transformed plant cell or tissue, to produce an *Agrobacterium*-inoculated explant;
- (b) co-culturing said *Agrobacterium* inoculated explant in a vessel ~~not~~ containing a media, said media not containing a gelling agent, and adding water in an amount between 100-300 microliters thereto wherein the weight of the *Agrobacterium* inoculated explant is reduced ~~by up from about 20% to about 30%~~ 3035% during the co-culture period;
- (c) identifying and selecting a transformed plant cell or tissue comprising said genetic component; and
- (d) regenerating a ~~fertile~~-transgenic plant therefrom.

21. (previously presented) The method of claim 20 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).

22. (currently amended) A method for producing a fertile transgenic plant, comprising the steps of:

- (a) inoculating a regenerable plant cell or tissue selected from the group consisting of wheat immature embryos, maize immature embryos, wheat embryogenic callus, or maize embryogenic callus, from wheat or maize and soybean hypocotyl sections or soybean callus cell suspension cell cultures from soybean with *Agrobacterium* containing a genetic component, said genetic component comprising a structural DNA sequence encoding a selectable marker gene that functions in the identification capable of a transformed plant cell or tissue, to be introduced into the plant cell or tissue to produce an Agrobacterium-inoculated explant;
- (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing a media, said media not containing a gelling agent, under limited or reduced moisture conditions wherein the weight of the *Agrobacterium* inoculated explant is reduced from about 20% by up to about 30% during the co-culture period and wherein the manner for controlling said reduction in the weight of the Agrobacterium-inoculated explant comprises limitation or removal of water from the vessel containing said explant;
- (c) identifying and selecting a transformed plant cell or tissue transformed with comprising said genetic component; and
- (d) regenerating a fertile transgenic plant therefrom.

23. (previously presented) The method of claim 1 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).

24. (new) The method of claim 1 wherein the media is filter paper.

25. (new) The method of claim 18 wherein the media is filter paper.

26. (new) The method of claim 20 wherein the media is filter paper.

27. (new) The method of claim 22 wherein the media is filter paper.